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March 4, 2025

**By ECF**

Hon. LaShann DeArcy Hall  
United States District Judge  
United States District Court  
Eastern District of New York  
225 Cadman Plaza East  
Brooklyn, New York 11201

Re: *Walden v. Peter S. Kosinski, et al.*, 25-cv-00072 (EDNY)(LDH)(TAM)

Dear Judge DeArcy Hall:

I represent Jim Walden, the Plaintiff in this action. On February 7, 2025, I filed Plaintiff's moving and reply papers, and the opposition papers of the State Board Defendants, regarding Mr. Walden's motion for a preliminary injunction (Defendant New York City Board of Elections did not serve papers in opposition to the motion, and has requested not to participate in this action).

I write respectfully to request oral argument as soon as the Court's calendar permits. Time is of the essence because the period for an independent candidate for office to circulate nominating petitions begins on April 15, 2025. *See* N.Y. Elec. Law § 6-138(4). Those nominating petitions must identify the name of the independent body whose nomination the candidate seeks. As the motion papers explain, Mr. Walden wishes to use the name "Independence Party" on his nominating petitions, but the Election Law prohibits using the words Independent or Independence to identify a political body. Plaintiff contends that this content-based prohibition of core political speech violates the First Amendment. Mr. Walden needs a ruling on his motion as soon as practicable because his campaign must print the petitions, as well as create signs and other political advertising materials, even before the petitioning period opens on April 15th. But for the unconstitutional ban on using the word Independence, he already would be doing so.

For these reasons, Plaintiff respectfully requests that the Court schedule oral argument at the Court's earliest convenience.

Respectfully submitted,



John R. Cuti

cc: All counsel (by ECF)